



SCOTTISH HOME DEPARTMENT

# Weekly Close Time for Salmon Fishing

*Report on Investigation under  
Section 14 of the Salmon and Freshwater Fisheries  
(Protection) (Scotland) Act, 1951*

*Presented pursuant to Act 14 and 15 Geo. 6. c. 26 section 14.*



EDINBURGH  
HER MAJESTY'S STATIONERY OFFICE  
1959

NINEPENCE NET

# Investigation on Weekly Close Time

## *Introduction*

1. The Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951, which altered the weekly close time for salmon fishing, provided in section 14 that the Secretary of State should investigate the operation of the weekly close time not later than 1958 and not earlier than 1956. In 1958 the Secretary of State decided that the investigation should be carried out by officials of the Scottish Home Department—the Fisheries Secretary, the Director of Fisheries Research, and the Inspector of Salmon Fisheries. This Report sets out the results of the investigation.

2. The Act requires that the investigation shall be carried out in consultation with such associations and persons as the Secretary of State thinks fit. The bodies consulted were the Association of Scottish District Salmon Fishery Boards, the Scottish Salmon Angling Federation and the Salmon Net Fishing Association of Scotland. A press notice was issued to draw attention to the investigation and a number of representations and memoranda were received. Oral evidence was also given by the Inspector and Consultant in Scotland of the Fishmongers' Company.

3. The provisions to be investigated are contained in section 13 of the Act which reads as follows :

- “ 13. (1) No persons shall fish for or take salmon during Sunday.  
 (2) No persons shall fish for or take salmon (except during Saturday or Monday by rod and line) during the weekly close time.  
 (3) The weekly close time shall extend from the hour of twelve noon on Saturday to the hour of six on the following Monday morning.  
 (4) If any person contravenes this section he shall be guilty of an offence against this Act.”

With this section must be read the penalties which it attracts, as prescribed by section 18.

## *History of Close Time Provisions*

### FISHING BY ROD AND LINE

4. Section 7 of the Salmon Fisheries (Scotland) Act 1862, as read with section 15 of the Salmon Fisheries (Scotland) Act 1868 made the weekly close time for salmon fishing by rod and line the twenty four hours of Sunday. This period was left unchanged by the Act of 1951 and is in force today.

### OTHER METHODS OF FISHING

5. These methods are net and coble fisheries within estuary limits and fixed engines (i.e. bag and stake nets) outside estuary limits. The weekly close time for

these methods had by 1950 also been in force for almost a century, the period of 36 hours running from 6 p.m. on Saturday to 6 a.m. on Monday, and was prescribed by section 7 of the Salmon Fisheries (Scotland) Act 1862. The Commissioners appointed under that Act made regulations with respect to the due observation of the weekly close time which are set out in Schedule D to the Salmon Fisheries (Scotland) Act 1868. As these regulations are relevant to some of the questions dealt with in this Report they are reproduced here. They provide that during the weekly close time :

1. In each and every Stake Weir or Stake Net a clear opening of at least Four Feet in Width from Top to Bottom shall be made and kept free from Obstruction in each and every Pouch, Trap or Chamber of same.
2. the Pouches, Traps, or Chambers of each and every Fly Net shall be either raised and tied up to the upper Ropes of same, or lowered and tied to the lower Ropes, so as effectually to prevent the Capture or obstruction of Salmon.
3. the Netting of the Leader of each and every Bag Net shall be entirely removed, and taken out of the Water.

6. The Bill for the Act of 1951 as introduced in 1950 provided for an increase of 12 hours in the weekly close time making it run from 6 a.m. on Saturday to 6 a.m. on Monday. The main reason advanced in support of this extension was the need to allow more fish to get up the rivers and so to repair the losses generally believed to have been sustained during the war and the immediate post-war period when poaching was rife. While this proposal was favoured in some quarters, it was opposed by the Salmon Net Fishing Association and the Association of Scottish District Salmon Fishery Boards. The views of these Associations were presented to the Secretary of State of the day by deputations and following these discussions the Secretary of State proposed amendments to the Bill, which Parliament accepted. The compromise effected was that the weekly close time should be increased by six hours to 42 hours running from noon on Saturday to 6 a.m. on Monday and that the weekly close time provisions should be investigated in five to seven years' time. The Act of 1951, however, did not provide that the new weekly close time provisions should operate for a limited number of years, nor did it provide machinery for a change in the weekly close time. Such a change cannot be effected without amending legislation.

### *Consultation with Association*

7. Each of the bodies consulted submitted a memorandum which they later elaborated in discussion, and the views expressed by them, which differ widely, are summarised in the following paragraphs.

#### THE SALMON NET FISHING ASSOCIATION OF SCOTLAND

8. The Association strongly urged that the weekly close time should now be reduced to its former 36 hours. They said that the extension of the weekly close time by six hours represented an effective reduction of six per cent. in fishing time over the season. One result of this reduction had been to make unprofitable many netting stations in the north of Scotland which had only a short season and

they had closed down. If the present close time was continued still more netting stations would be given up, displacing men who, particularly in the Highlands, would not find it easy to get other employment.

9. The Association said that the records maintained by a number of netting concerns enabled comparisons to be made between six seasons before and six seasons after the extension of the close time. These showed that since the extension a smaller proportion of the total catch was caught on Saturdays, and that the difference expressed as a percentage was between four and six per cent. It was further shown by a statement of the catches obtained by one concern between 12 noon and 6 p.m. on Saturdays in the years 1946 to 1950 that these averaged between  $4\frac{1}{2}$  and 6 per cent. of the total for both river and coastal nets. The Association inferred that the catch had been reduced by that percentage, which represented an average loss of £53,000 a year to the net fishing industry as a whole.

10. The Association made the point that for both coastal and estuary nets the effective weekly close time was longer than the statutory period. In the case of coastal nets they were out of action for four weeks in an average year as a result of bad weather or shoals of jelly-fish and they also lost a considerable amount of fishing time at each week-end. This occurred because it takes some time for the netting crew to go round all the nets on a station, the last of which must be slapped before the close time begins. Similarly, at the beginning of the week, as the first net must not be put into fishing order until the close time has ended it is some time before all the nets on a station are fishing. In the case of estuary nets, which are operated only at certain states of the tide, time may be lost when these coincide with the beginning or end of close time and the Association put this loss at  $17\frac{1}{2}$  hours in an average month. There is a similar loss of fishing time for fly nets which can only be slapped at low water. (The Association's figures show that the fishing time lost in this way is approximately the same whether the close time is 36 hours or 42.)

11. In the Association's view the damage which the Act of 1951 was intended to repair had already been made good in rivers unaffected by man-made hazards such as hydro-electric development, abstraction and pollution. It was stated that in many of these the spawning grounds were already over-crowded. In the other rivers the improvement of salmon stocks depended more on removing or mitigating the ill effects of the man-made hazards than on allowing a greater number of fish to ascend. In the Association's view the provision for investigation of the close time was inserted in the Act for the benefit of netsmen and for the purpose of determining whether or not the weekly close time should, after a limited period, revert to the previous 36 hours.

#### THE SCOTTISH SALMON ANGLING FEDERATION

12. The Federation recommended that the weekly close time for net fishing inside estuary limits should be increased by 6 hours to 48 hours, but suggested no change for coastal nets. Questionnaires were completed by 106 of their members having between them experience of a large number of Scottish rivers. Of these 86 wished to see the close time for river and estuary nets extended, 70 suggesting an additional six hours, the purpose of which would be to let more fish ascend rivers beyond the netted areas. In support of their recommendations the Federation said that it was on high tides that fish entered rivers. An extension of six

hours would mean that two extra high tides each month would come within the close time. The increase in efficiency of drainage in Scotland made rivers rise and fall more quickly, thus lessening the periods of spate when salmon ascended. Cold water and pollution tended to detain salmon in estuaries, so that fish entering during the close time would often still be in the netting area when netting operations resumed on Monday morning. Other threats to salmon stocks, such as hydro-electric schemes, pollution, poaching and seals, had increased since the war. To counteract these it was, in the opinion of the Federation, essential to ensure that as many fish as possible ascended the rivers and reached the spawning areas. They pointed out that apparently some netting stations already found reason to work a five day week with no Saturday operation and so would not be affected by an extension. They accepted that the angling catch had risen since 1951 but attributed this to more efficient methods of fishing rather than a greater number of salmon in the rivers.

#### THE ASSOCIATION OF SCOTTISH DISTRICT SALMON FISHERY BOARDS

13. The Association pointed out that they represented a cross-section of salmon fishing interests since the membership of District Boards included the proprietors of both net and rod fishings. The views of 29 Boards in membership of the Association had been sought and those which expressed no opinion were the Boards responsible for relatively unimportant rivers or rivers not affected by netting. The Association's view, decided by a majority, was that the weekly close time should remain at 42 hours. In amplification of this recommendation they said that although, from 1952 onwards, there had been an increase in the number of fish caught by the rods while the net catch had remained about the same, in their view the results of the change made in 1951 could not yet be assessed. The relationship between salmon stocks and ultimate production was not yet understood. A further period was required to see whether rivers continued to improve and whether a greater knowledge of salmon could be obtained. The close time should therefore remain at 42 hours and a further inquiry should be held in five years' time.

#### EVIDENCE FROM OTHER SOURCES

14. The Inspector and Consultant in Scotland of the Fishmongers' Company who have had long experience of enforcing the close time provisions of the Salmon Acts considered that the weekly close time now in operation was satisfactory as regards both its length and its incidence and that in general it was strictly observed. In their view the closure of netting stations since 1951 was not necessarily a result of the change in close time. The process had been going on since the first World War and in some instances companies had found that closing certain of their stations reduced their overheads without materially affecting their catches.

15. Of the other representations submitted, the general pattern was that angling interests called for an extension of the weekly close time for nets, while netsmen wanted a return to a period of 36 hours. A leading netting firm pointed to the damage to sea nets occasioned by the weather and urged that there could be no justification for a further restriction of their fishing time. The Nith Haaf Net Fishers' Association advocated a return to a 36 hour close time, stating that

although the season opened on 25th February, little fishing was possible until the middle of May. One Tweed net fishing firm represented that as stakenets have to be worked according to tides the close time should be regulated by reference to tides as formerly was the case on the Tweed. The Act of 1951 applied to the Tweed the close time provisions applicable elsewhere in Scotland, evidently because it was thought that there should be a uniform close time for Scotland and that a fixed close time was preferable to one with variable start and finish. No other representations in favour of a variable close time were received.

#### CONSIDERATION OF VIEWS EXPRESSED

16. The views of the three Associations are thus divergent so far as the close time for nets is concerned. (There have been no suggestions for any change of close time in regard to fishing by rod and line.) For coastal nets, the Scottish Salmon Angling Federation and the Association of Scottish District Salmon Fishery Boards recommended that the close time remain at 42 hours while the Net Fishing Association wish it to be reduced to 36 hours. For estuary nets the difference of view is even greater as the Federation suggested 48 hours, the District Boards 42 and the Net Fishing Association 36. It is, therefore, necessary to examine the arguments advanced by each body in favour of the course they propose.

17. In most cases the arguments depend on opinions which, although sincerely held, are supported by few established facts. For example, statements that too few breeding fish are ascending the rivers with a close time of 42 hours were not accompanied by figures showing the number of redds occupied in any particular stretch of river over a period of years in relation to the spawning ground available. Such statements were, moreover, countered by the contrary view that in many rivers spawning grounds are over-crowded. While it is possible that for some localities detailed and reliable evidence may exist to support both points of view, it was not submitted for use in the investigation. So far as is known there is available no body of information of this kind sufficiently representative to afford a basis on which to form a judgment on the operation of the close time over Scottish waters as a whole. It has, therefore, been necessary to consider what other factual evidence is available.

18. Until the Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951 became effective no power existed of requiring owners and tenants of all salmon fisheries to make annual returns of their catches. From 1952 onwards statistics have been collected by the Scottish Home Department showing the catch in each fishery and the method of capture from which returns are compiled of the catch for each river, distinguishing between rod, net and coble, and fixed engines. The proviso to section 15(1) (c) of the Act makes it impossible to publish figures for individual rivers if this would disclose the catch of any single fishery within the previous ten years. This precludes the annual publication of separate figures for many of the more important rivers. The published statistics show the total catch by each method for the years 1952 to 1957 and are summarised in Appendix I. Before 1952 it was only possible to estimate the total catch for Scotland from the figures submitted by railway and steamship authorities of the salmon which they carried. There was no means of establishing the catch for any individual river. No detailed comparison between pre-1952 figures and the present series is therefore possible. It has been found that by adding about 30 per cent. to

the figures derived from the transport returns since 1952, figures can be obtained corresponding fairly closely to the total Scottish catch as shown by the statutory returns. Similarly before 1952 there is a rough correlation between the trend of the total catch and that of, for example, the net catch of the Aberdeen Harbour Commissioners for which figures are available. The transport returns adjusted in this way may apparently therefore be taken as a fairly good indication of the total Scottish catch both before and after 1952. They do not, of course, indicate the method of capture or the catch in any particular river and are accordingly of limited use. They are set out in Appendix II.

19. Considerable effort has been devoted in Scotland and elsewhere to research on the biology of the salmon in its various stages ; but so far it has not been possible in Scotland to obtain the facilities extending over a period of years needed for the comprehensive projects planned before the war which might have provided some of the answers to points at issue in this investigation. Though some progress has been made the relationship between the spawning stocks in a river and the future yield of its fisheries is still very imperfectly understood. It is, however, known that natural wastage in the rivers is enormous, as only a very small fraction of the eggs deposited by a female salmon in the redd survive to the smolt stage. There is some evidence that climatic conditions during the period (generally two years) spent in fresh water by a particular year class of salmon have more effect in determining the yield from that particular year class than the actual strength of the spawning stock so far as this can be estimated by the catches taken from the spawning run though this evidence is far from conclusive. But unfortunately there is very little information about the magnitude of the losses in river and sea respectively. The result of tagging experiments carried out primarily to trace the migrations of salmon in coastal waters incidentally provides some evidence that escapement from the area of the coastal nets is not confined to the weekly close time. On the other hand there is also evidence from tagging experiments that salmon may remain in the area fished by estuary nets from one week to the next. In general, the existing knowledge of salmon biology and behaviour does not permit anything like an accurate assessment to be made of the adequacy or otherwise of the present escapement for any particular river or for Scotland as a whole.

20. The case put forward by the Salmon Angling Federation for an increase in the close time with the object of allowing more fish to ascend rivers rests on the assumptions that a longer close time would result in a larger escapement and that this would effect an increase in the stocks. These assumptions would be valid only if it could be shown that there was a direct connection between escapement and the length of the close time, that a greater escapement would be reflected in a larger number of fish reaching the spawning grounds and that in the majority of cases rivers could accommodate more spawning fish and provide food for more fry and parr. As indicated earlier, at present these assumptions are still matters of opinion.

21. The case put forward by the Salmon Net Fishing Association for a return to the 36-hour close time would be valid only if it could be shown that a larger commercial catch would result from a shortening of the close time and that this would not adversely affect the stocks in the long term. While the Association inferred from their statistics of Saturday catches that a shortening of the close time would effect a corresponding increase in the net catch, the figures they submitted (in terms of percentages only) were not sufficient to establish this inference.

22. The statistics obtained since 1952 do not supply the necessary evidence. The range of variation in the total catches over those years is some 20 per cent. In Appendix III the figures for the Dee, the Spey and the Tweed, three rivers not affected by the recent hydro-electric developments, have been combined. The general trend is very similar to that of the total Scottish catch but the range of variation is even greater. It has long been known that salmon fisheries are subject to very much wider natural fluctuations, and a 20 per cent. variation is clearly large enough to mask any effect which a decrease of 4.5 per cent. in the weekly fishing time might conceivably have produced, even if that effect were as high as the 6 per cent. suggested by the Net Fishing Association. It is doubtful in fact whether the effects of so small a change could be statistically identified even from the catch returns of a much longer period covering the years before as well as after 1952. Apart from natural fluctuations any increase in the angling effort would also tend to obscure the effect of the extended close time in a comparison of the net and rod catches. At first sight the figures may suggest that such an increase has taken place, the rods having obtained 20 per cent. of the catch in 1957 against 12.5 per cent. of a roughly equal total in 1952. The stock available for the rod fishermen, however, depends on many things besides the weekly close time, including the weather and rainfall not only during the netting season but during the rest of the rod fishing season. While 1952 was a good year for the nets and 1956 and 1957 were good years for the rods the percentages taken by angling in the intervening years (16 per cent., 17 per cent., and 15 per cent.) do not suggest any significant trend.

23. The present investigation has therefore not made it possible to distinguish the effect of the extension of the weekly close time which took place in 1951 or to say whether the present close time is achieving what is presumably its purpose, namely to allow sufficient fish to enter rivers to maintain the stock and where other conditions permit, to increase it.

24. Two further arguments have, however, been adduced by the netting interests in favour of a return to the close time in force before the Act of 1951. First that a return to 36 hours for a five-year period would provide evidence for comparison with the results from 1952 to 1958 and, second, that the present close time is causing them a definite financial loss. For the reasons stated in paragraph 22, the effect of adding six hours to the weekly fishing time could not be ascertained by statistical methods either in five years or in a much longer time and the first argument therefore appears to fail. The second, however, deserves serious consideration since the economic position of the net fishing industry, which directly employs over 1,600 men, is clearly of importance.

25. The Salmon Net Fishing Association's claim that the alteration is costing them £50,000 a year is based on the records referred to in paragraph 9. But this calculation assumes both that there is no benefit to the nets by any conservation effect which the extended close time may have and that any fish which are missed on Saturday afternoon will not be taken later. As indicated in paragraph 21, however, this assumption rests on an inference. While some loss may reasonably be expected to have followed the longer close time, the assumption that it was as high as 6 per cent. does not appear to be well-founded. With a good year in 1952 and a bad one in 1956, catches have fluctuated around 1,300 tons from 1952 and employment has remained at about the 1952 level. While it is beyond the scope of this investigation to comment on the economic position of the industry generally it has not been demonstrated that this would be materially affected by any change in the close time.



26. The Act of 1951 provided for a single investigation of the provisions relating to the weekly close time. As, however, it has not proved possible to identify the effect of the changes made by that Act, the suggestion of a further investigation falls to be considered. The Association of Scottish Salmon Fishery District Boards proposed that such an investigation be held five years after the present review. Time alone will not make good the deficiencies in the data required for a full understanding of the effect of the weekly close time but a considerable advance could be made if all those with interests in the maintenance and exploitation of the Scottish salmon stocks would support a vigorous research effort by granting the necessary facilities and perhaps also by making figures of catches available from private records to supplement the meagre published information for the period before 1952. It would clearly be undesirable for a problem on which strong and varying opinions are held to be left in its present state and even though the evidence will still be incomplete in many respects, a further investigation in a period of five to eight years would provide a valuable opportunity for review and should be considered.

*Summary of Annual Statistical Returns  
for Scotland*

	1952 lbs.	1953 lbs.	1954 lbs.	1955 lbs.	1956 lbs.	1957 lbs.
<b>SALMON</b>						
Rod and Line .	365,568	415,817	523,790	459,014	491,518	576,423
Net and Coble .	1,092,765	802,151	1,180,661	984,427	771,447	839,605
Fixed Engines .	1,146,908	978,087	948,576	1,022,055	817,868	687,396
<i>Total . .</i>	<i>2,605,241</i>	<i>2,196,055</i>	<i>2,653,027</i>	<i>2,465,496</i>	<i>2,080,833</i>	<i>2,103,424</i>
<b>GRILSE</b>						
Rod and Line .	29,251	31,572	25,707	20,155	40,181	51,471
Net and Coble .	298,906	282,435	260,571	257,804	234,650	398,217
Fixed Engines .	401,274	445,635	356,367	400,163	310,364	563,307
<i>Total . .</i>	<i>729,431</i>	<i>759,642</i>	<i>642,645</i>	<i>678,122</i>	<i>585,195</i>	<i>1,012,995</i>
<b>SEA TROUT</b>						
Rod and Line .	64,548	74,337	82,684	57,877	92,958	100,143
Net and Coble .	177,203	168,503	219,377	268,422	220,468	266,070
Fixed Engines .	79,320	66,504	86,192	103,553	88,659	111,676
<i>Total . .</i>	<i>321,071</i>	<i>309,344</i>	<i>388,253</i>	<i>429,852</i>	<i>402,085</i>	<i>477,889</i>
<b>ALL SPECIES</b>						
Rod and Line .	459,367	521,726	632,181	537,046	624,657	728,037
Net and Coble .	1,568,064	1,253,109	1,660,609	1,510,653	1,226,565	1,503,892
Fixed Engines .	1,627,502	1,490,226	1,391,135	1,525,771	1,216,891	1,362,379
<i>Total . .</i>	<i>3,654,933</i>	<i>3,265,061</i>	<i>3,683,925</i>	<i>3,573,470</i>	<i>3,068,113</i>	<i>3,594,308</i>

## APPENDIX II

*Scottish Catch (Salmon, Grilse and Sea Trout)*  
*As shown by transport returns*  
 (see paragraph 18)

<i>Year</i>	<i>Transport Returns (tons)</i>	<i>Adjusted Transport Returns</i>	<i>Statutory Statistics</i>
1931	1,700	2,195	
1932	1,561	2,016	
1933	1,262	1,630	
1934	1,307	1,689	
1935	1,687	2,179	
1936	1,683	2,174	
1937	1,512	1,953	
1938	1,229	1,588	
1939	1,193	1,540	
1940	1,098	1,419	
1941	972	1,256	
1942	1,052	1,359	
1943	1,269	1,640	
1944	1,025	1,324	
1945	658	850	
1946	732	945	
1947	809	1,045	
1948	935	1,207	
1949	1,262	1,630	
1950	968	1,250	
1951	1,004	1,296	
1952	1,309	1,691	1,631
1953	1,139	1,462	1,457
1954	1,228	1,587	1,644
1955	1,220	1,576	1,595
1956	976	1,261	1,369
1957	1,194	1,543	1,601

## APPENDIX III

*Summary of Annual Statistical Returns for the*  
*Dee, Spey and Tweed Districts combined*

	1952 lbs.	1953 lbs.	1954 lbs.	1955 lbs.	1956 lbs.	1957 lbs.
ALL SPECIES						
Rod and Line .	163,072	216,138	268,617	255,082	254,771	313,146
Net and Coble .	606,077	462,383	705,372	639,713	504,743	675,335
Fixed Engines .	387,819	304,937	253,158	304,629	272,067	253,839
<i>Total . . .</i>	<i>1,156,968</i>	<i>983,458</i>	<i>1,227,147</i>	<i>1,199,424</i>	<i>1,031,581</i>	<i>1,242,320</i>

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